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State/Territory: MAINE

Citation 4.40 Survey & Certification Process

- Sections 1919(g)(1) thru (2) and 1919(g)(4) thru (5) of the Act P.L. 100-203 (Sec. 4212(a)) (a) The State assures that the requirements of 1919 (g)(1)(A) through (C) and Section 1919 (g)(2)(A) through (E)(iii) of the Act which relate to the survey and certification of non-State owned facilities based on the requirements of Section 1919(b), (c) and (d) of the Act, are met.
- 1919(g)(1) (B) of the Act. (b) The State conducts periodic education programs for staff and residents (and their representatives). Attachment 4.40-A describes the survey and certification educational program.
- 1919(g)(1) (C) of the Act. (c) The State provides for a process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property by a nurse aide of a resident in a nursing facility or by another individual used by the facility. Attachment 4.40-B describes the State's process.
- 1919(g)(1) (C) of the Act (d) The State agency responsible for surveys and certification of nursing facilities or an agency delegated by the State survey agency conducts the process for the receipt and timely review and investigation of allegations of neglect and abuse and misappropriation of resident property. If not the State survey agency, what agency?
- 1919(g)(1) (C) of the Act (e) The State assures that a nurse aide, found to have neglected or abused a resident or misappropriated resident property in a facility, is notified of the finding. The name and finding is placed on the nurse aide registry.
- 1919(g)(1) (C) of the Act (f) The State notifies the appropriate licensure authority of any licensed individual found to have neglected or abused a resident or misappropriated resident property in a facility.

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- 1919(g)(2)(A) (g) The state has procedures, as provided for at section
(i) of the 1919(g)(2)(A)(i), for the scheduling and conduct of
Act standard surveys to assure that the State has taken all
reasonable steps to avoid giving notice through the
scheduling procedures and the conduct of the surveys
themselves. Attachment 4.40-C describes the State's
procedures.
- 1919(g)(2)(A) (h) The State assures that each facility shall have a
(ii) of the standard survey which includes (for a case-mix
Act stratified sample of residents) a survey of the quality
of care furnished, as measured by indicators of medical,
nursing and rehabilitative care, dietary and nutritional
services, activities and social participation, and
sanitation, infection control, and the physical
environment, written plans of care and audit of
resident's assessments, and a review of compliance with
resident's rights not later than 15 months after the date
of the previous standard survey.
- 1919(g)(2)(A) (i) The State assures that the Statewide average interval
(iii)(1) of — between standard surveys of nursing facilities does
the Act not exceed 12 months.
- 1919(g)(2)(A) (j) The State may conduct a special standard or special
(iii)(11) of abbreviated standard survey within 2 months of any
the Act change of ownership, administration, management, or
director of nursing of the nursing facility to determine
whether the change has resulted in any decline in the
quality of care furnished in the facility.
- 1919(g)(2)(B) (k) The State conducts extended surveys immediately or, if
of the Act not practicable, not later than 2 weeks following a
completed standard survey in a nursing facility which is
found to have provided substandard care or in any other
facility at the Secretary's or State's discretion.
- 1919(g)(2)(C) (l) The State conducts standard and extended surveys based
of the Act upon a protocol, i.e., survey forms, methods, procedures
and guidelines developed by HCFA, using individuals in
the survey team who meet minimum qualifications
established by the Secretary.

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- 1919(g)(2)(D) of the Act (m) The State provides for programs to measure and reduce inconsistency in the application of survey results among surveyors. Attachment 4.40-D describes the State's programs.
- 1919(g)(2)(E) (i) of the Act (n) The State uses a multidisciplinary team of professionals including a registered professional nurse.
- 1919(g)(2)(E) (ii) of the Act (o) The State assures that members of a survey team do not serve (or have not served within the previous two years) as a member of the staff or consultant to the nursing facility or has no personal or familial financial interest in the facility be surveyed.
- 1919(g)(2)(E) (iii) of the Act (p) The State assures that no individual shall serve as a member of any survey team unless the individual has successfully completed a training and test program in survey and certification techniques approved by the Secretary.
- 1919(g)(4) of the Act (q) The State maintains procedures and adequate staff to investigate complaints of violations of requirements by nursing facilities and onsite monitoring. Attachment 4.40-E describes the State's complaint procedures.
- 1919(g)(5)(A) of the Act (r) The State makes available to the public information respecting surveys and certification of nursing facilities including statements of deficiencies, plans of correction, copies of cost reports, statements of ownership and the information disclosed under section 1126 of the Act.
- 1919(g)(5)(B) of the Act (s) The State notifies the State long-term care ombudsman of the State's finding of non-compliance with any of the requirements of subsection (b), (c), and (d) or any adverse actions taken against a nursing facility.
- 1919(g)(5)(C) of the Act (t) If the State finds substandard quality of care in a facility, the State notifies the attending physician of each resident with respect to which such finding is made and the nursing facility administrator licensing board.
- 1919(g)(5)(D) of the Act (u) The State Provides the State Medicaid fraud and abuse agency access to all information concerning survey and certification actions.

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